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Candace Havens
Director

MEMORANDUM

Public Hearing Date: June 14, 2011
Land Use Action Date: June 21, 2011
Board of Aldermen Action Date: August 8, 2011
90-Day Expiration Date: August 23, 2011

DATE: June 10, 2011

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Eve Tapper, Chief Planner for Current Planning^{ET}
Derek Valentine, Senior Land Use Planner

SUBJECT: Petition 149-11, SOVEREIGN BANK/THOMAS R. KEERY, II TRUSTEE of WASHINGTON STREET TRUST, petition for a Special Permit/Site Plan Approval for a drive-thru ATM and waivers from lighting/screening requirements for parking facilities and secondary signs at 624 WASHINGTON STREET, Ward 1, NEWTONVILLE, on land known as SBL 23, 18, 2, containing ~20,400 sq. ft. of land in a district zoned Business 2. Ref: Sec 30-24, 30-23, 30-11(d)(10), 30-19(j)(1)(a) and (m), 30-20(f)(2) and (l) of the City of Newton Rev Zoning Ord, 2007.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

The site consists of 20,400 square feet and is currently improved with a one-story structure, formerly the location of Frost Motors. The automobile use was authorized under Board Order #88871, and has operated continuously since this authorization in 1946. This Board Order predates our modern special permit process and as a result does not include any specific conditions. Under the current proposal, the existing building would be demolished and replaced with a 3,022 square foot Sovereign Bank branch with a drive-through ATM. A special permit is needed to operate a drive-through facility. The petitioner is also seeking relief from the requirements for parking facilities of more than five stalls, including landscape screening for parking stalls as well as lighting requirements.

A zoning text amendment was recently docketed for the Zoning and Planning Committee to allow financial institutions to locate in some village centers only after obtaining a special permit from the Board of Aldermen. The premise behind this proposal is that a diverse mix of uses that enliven the streetscape and provide a vibrant pedestrian experience will enhance the City's village centers. Financial institutions, especially those with drive-through facilities tend to break up the streetscape rather than add to their vitality. That said, the Planning Department agrees that financial institutions and drive-through facilities provide an important service and convenience to City residents, particularly the disabled and the elderly. We believe that there are appropriate locations for these facilities, including commercial corridors with limited residential uses and few pedestrians. The proposed site meets these criteria.

The Urban Design Commission (UDC) has reviewed the proposed building and praised it as aesthetically pleasing. In addition, the petitioner has proposed several important traffic improvements to the Washington Street and Crafts Street intersection, which will be discussed in further detail in this report and its attachments.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

1. When reviewing this petition, the Board should determine whether the public convenience and welfare will be served by allowing the location of a drive-through ATM and banking facility for the following reasons:
 - a) This site, which is located along a vehicular-oriented commercial corridor is an appropriate location for a drive-through facility and is preferable to an alternative location, such as within a pedestrian-oriented village center.
 - b) The site is surrounded mostly by commercial uses and the Massachusetts Turnpike and does not directly abut residential properties; therefore, it

will not adversely affect the neighborhood.

- c) The provision of a drive-through banking facility will provide a service and convenience to City residents, particularly the disabled and elderly.
 - d) The petitioner is proposing numerous traffic improvements to the intersection of Crafts Street and Washington Street and, as a result, there will be no nuisance or serious hazard to vehicles or pedestrians.
 - e) There will be adequate space for queuing of vehicles for the drive-through ATM window without compromising the flow of traffic on Washington Street.
 - f) The pedestrian experience will be improved when the petitioner installs countdown signals at crosswalks as well as benches, new sidewalks, handicap ramps and street trees.
 - g) There will be a net reduction in the amount of impervious surface on the site and improved storm water management through drainage improvements for the parking facility and enhanced landscaping.
 - h) Currently the site has four curb cuts and does not have a signalized entrance/exit. The reduction to two curb cuts and the addition of a signalized entrance/exit will improve the safety of motorists using the site.
 - i) The design of the building received approval from the Urban Design Commission and will be an improvement to the aesthetics of the Washington Street Corridor.
2. The addition of more than two secondary signs is appropriate due to the location of the building in relation to streets. The site has visibility from both travel directions on Washington Street as well as the Massachusetts Turnpike. Providing additional signage will serve the public interest.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD



Existing Building



Existing Streetscape



Existing Parking Lot

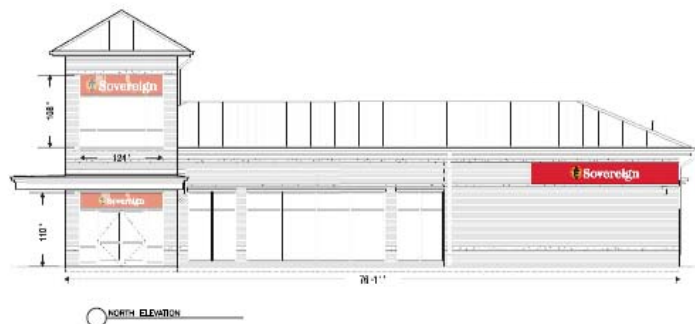
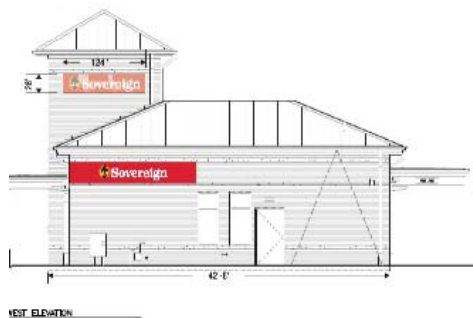
A. Neighborhood and Zoning

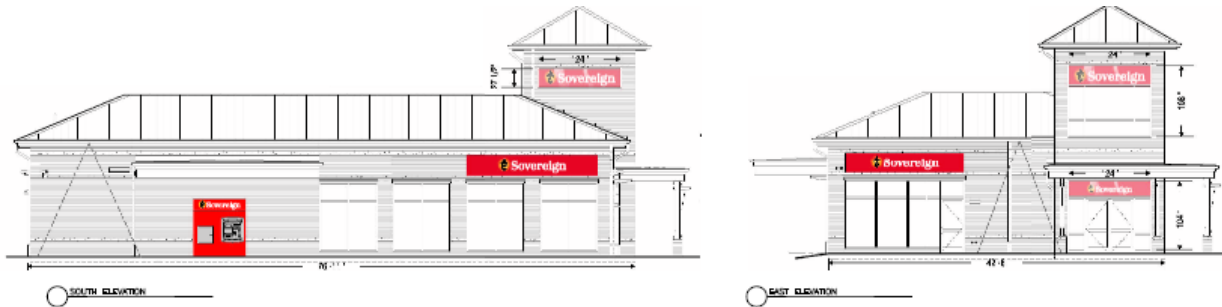
The site is located at the intersection of Washington Street and Crafts Street in Newtonville. Washington Street features a variety of commercial uses in this vicinity including Whole Foods Market directly across the street. There is a small area of multi-family residential use located diagonally across Washington Street from the site in the block between Washington Street and Lenglen Road.

B. Site

The subject property is 20,502 square feet and is a narrow site located between Washington Street and the Massachusetts Turnpike/MBTA Commuter Rail tracks. It is currently improved with the Frost Motors building; a one-story, concrete and glass building. There is a 27-stall parking lot servicing the auto use accessed by four curb cuts. There is a sidewalk and street trees along the Washington Street frontage. The site is level and abuts the embankment leading down to the MBTA Commuter Rail tracks. A variety of roadside tree species separate the site from these tracks, and with the exception of some street trees, is the only vegetation on site.

III. PROJECT DESCRIPTION AND ANALYSIS





A. Land Use

The proposal calls for the demolition of the existing structure and a new 3,022 square foot retail bank facility with drive-through ATM to be built in its place. The automobile sales use will be abandoned as part of this petition. The bank is a by-right use in the Business 2 Zone, but a special permit is required for the drive-through ATM.

B. Building and Site Design

The new building would be positioned on the western end of the lot with a parking lot east of the proposed building. The easternmost curb cut would provide access to the parking lot from Washington Street and would serve as the only vehicular exit from the site. A second curb cut, on the west side of the parcel would be a one-way entrance to the drive-through ATM area. A new cement sidewalk and granite curbing would replace the sidewalk that currently exists.

The building design received a positive recommendation from the Urban Design Commission. The UDC praised the petitioner's use of large windows on the street level, which will provide a clear view to the activity occurring on the teller floor. The Commission also approved the landscaping and site design, which soften the appearance of the parking lot. A key design feature is a 77'11" tower, which anchors the northern end of the building and provides a clearly defined entrance to the bank branch. The UDC also praised the addition of three bike racks near the entrance door, as well as benches along the restored sidewalk.

Signage is incorporated on all four sides of the proposed building. The sign package was reviewed and approved by the UDC at their May 18th meeting. The package includes a number of surface-mounted signs as well as interior window signs. Per the Newton Sign Ordinance, window signs do not count as part of the total allowed square footage of signage; provided they are mounted within 6 inches of the glass surface and cover 25% or less of the window area. The petitioner was originally seeking relief to cover more than 25% of several windows. Based on recommendations from the UDC, all window signs were reduced to 25% coverage. The window signs on the west and south faces of the tower (which were proposed

at 100% coverage) were eliminated from the package entirely. Relief from the size requirements for window signs is no longer required.

The petitioner is requesting relief to allow additional secondary signage on the rear of the building. This includes a 44.4 square foot, surface-mounted sign and signage associated with the ATM. When considered with the other signage on the building, the two signs on the rear of the building exceed the number of secondary signs allowed by right. The UDC reviewed these proposed signs and supported them, but the petitioner must seek a special permit for them. The UDC has requested that they have final review of directional signage prior to installation. In accordance with the Traffic Impact Analysis submitted by the petitioner, this directional signage should be three feet or less above grade level to avoid obstructing sight lines entering and exiting from Washington Street.

The exterior of the building appears to be brick; however, this is not explicitly stated on the plans. The plans should include the type of materials proposed. Likewise, the roof appears to be constructed of standing-seam metal, but this should also be clarified on the final plans. Final materials should be submitted for review and approval by the Director of Planning and Development prior to the issuance of a building permit.

C. Disposal of Refuse

The petitioner is proposing a dumpster on the western edge of the property near the Massachusetts Turnpike. This dumpster will be adequately screened with a Western Red Cedar slat fence. A trash receptacle will be placed near the entrance of the walk-up ATM. The Planning Department recommends a condition requiring that the site be properly maintained and litter free.

D. Parking and Circulation

The property currently has a parking facility with 27 parking spaces, which is accessed via four curb cuts on Washington Street. None of the curb cuts are signalized. The proposed use requires a total of 13 parking stalls. A 3,022 square foot bank requires 11 stalls (one per 300 square feet of gross floor area) plus two stalls (one per three employees with an expected maximum shift of six employees). The petitioner has proposed 13 stalls and does not require relief for the number of stalls. The petitioner is proposing two handicap stalls which satisfy the requirements. The number of curb cuts on Washington Street will be reduced to two, with sight lines in both directions exceeding what is required by national guidelines.

The petitioner is seeking relief from the lighting requirements for parking lots of five or more spaces. It appears as though the site may be compliant with foot

candle requirements if the lighting plan took into consideration ambient light from the Washington Street lights. The petitioner should show that this is the case, or should provide more lighting on the site in order to meet the requirements. The Planning Department does not support a waiver of the lighting requirements because it may compromise the safety of customers of the bank facility, especially since the ATMs will be accessible 24 hours per day.

The petitioner has submitted a comprehensive traffic impact analysis prepared by Ron Muller & Associates for review. The proposed use is expected to generate 69-75 more peak hour trips than the previous auto sales use. The ATM is served by a driveway designed to accommodate a queue of five vehicles. The petitioner's traffic report expects a peak queue of four vehicles. Therefore, the proposed layout is not expected to affect the traffic flow on adjacent streets. The Planning Department recommends that the proposed driveway near the western property line be labeled "Entrance Only" and a "No Turn on Red" sign be placed at the exit on the eastern property line.

The petitioner is proposing a number of improvements to the public right-of-way at the intersection of Washington Street and Crafts Street. New pedestrian crosswalks along with pedestrian countdown signals will be installed. Handicap ramps will be added at all crossings. The traffic island on Crafts Street will be eliminated and the curb line on the corner of Washington Street and Crafts Street will be extended in order to slow traffic turning right from Washington Street onto Crafts Street.

E. Landscaping

The planting plan for the site incorporates many indigenous species and will provide more greenery on-site than exists under current conditions. At present, the site is almost entirely covered with impervious surfaces. The street trees along Washington Street will be removed and replaced farther back from the right-of-way. This was due to a recommendation from the Newton Director of Urban Forestry, noting the inherent problems with locating trees in tree wells near the right-of-way.

The parking facility appears to be adequately screened from Washington Street. However, no screening is proposed for the rear of the property, bordering the Massachusetts Turnpike and MBTA tracks. This is presumably why the Zoning Review Memo ("ATTACHMENT C") required relief from parking facility screening requirements. The Planning Department recommends that some small canopy shade trees, similar to what is proposed along the front property line be added along the rear property line to satisfy the requirements. A final landscape plan including this addition should be submitted for review by the Director of Planning and Development.

IV. COMPREHENSIVE PLAN

Although it does not explicitly reference drive-through facilities, the *Comprehensive Plan* recommends reuse of properties in established commercial nodes on transportation corridors. The petitioner's site is located on an established commercial and transportation corridor.

V. TECHNICAL REVIEW

A. Technical Considerations

The existing building is located at the property line with no setback, making it legally nonconforming. The proposed structure would be set back 3.25 feet from this property line. The Commissioner of Inspectional Services has determined that the proposed building be considered a reconstruction of the existing building. As a result, the structure may be located where the existing building is located and no relief is required for front setbacks. The petitioner is seeking relief through Section 30-11(d)(10) to construct a drive-through ATM facility.

The petitioner is seeking additional relief through Section 30-19(i)(1) to waive the landscaping and lighting requirements for a parking lot of more than five spaces. The Planning Department suggests that the petitioner install this landscaping/lighting in accordance with the Newton Zoning Ordinance. The petitioner requires relief from Section 30-20 (f)(2) and (l) to allow more than one accessory sign per street frontage in order to locate two accessory signs on the south side of the building.

B. Traffic Improvements

The Planning Department has solicited input from our Traffic Engineering Department. A memo was issued by that Department ("ATTACHMENT F"). The Department has requested the submission of additional information on the traffic data submitted by Ron Muller and Associates. The petitioner needs to formally seek approval from the Public Facilities Committee prior to the removal of the median island. The Planning Department has drafted a condition requiring the completion of all of the proposed traffic improvements prior to the issuance of a Certificate of Occupancy. However, the Department recognizes that slight changes may be necessary in the implementation of this plan due to actual site conditions and the pending approval by the Public Facilities Committee, as well as the Planning and Engineering staff. The Planning Department recommends some flexibility in the condition, subject to final approval by the Director of Planning and Development and the Engineering Division of the Department of Public Works. .

C. Engineering Review

The Engineering Department has submitted a Memorandum dated May 26, 2011 ("ATTACHMENT E"). The Memo acknowledges that the amount of impervious coverage on-site will be reduced and storm drainage, which currently sheet flows onto Washington Street, will be managed on-site. The Memo recommends that the current water and sewer service be cut and capped and replaced in accordance with City Engineering guidelines.

D. Fire Department Review

The Newton Fire Department has reviewed the submitted plans and approved the proposal for site access.

VI. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum ("ATTACHMENT C"), the petitioners are seeking the following reliefs:

- Section 30-20 (f)(2) and (l) to allow more than one secondary sign
- Section 30-11 (d)(10) to allow a drive-through ATM
- Section 30-19(i)(1) and (m) to waive screening requirements for parking facilities
- Section 30-19(j) and (m) to waive lighting requirements for parking facilities of more than five spaces
- Section 30-24: for issuance of a special permit
- Section 30-23: for site plan approval

VII. PETITIONERS' RESPONSIBILITIES

The petition is complete at this time.

ATTACHMENTS:

ATTACHMENT A: VICINITY ZONING MAP

ATTACHMENT B: VICINITY LAND USE MAP

ATTACHMENT C: ZONING REVIEW MEMO

ATTACHMENT D: DRAFT BOARD ORDER #149-11







ATTACHMENT E: ENGINEERING DEPARTMENT MEMO DATED MAY 26, 2011

ATTACHMENT F: TRAFFIC ENGINEERING DEPARTMENT MEMO DATED JUNE 1, 2011

Zoning 624 Washington Street

*City of Newton,
Massachusetts*

Legend

-  Multi-Residence 1
-  Multi-Residence 2
-  Multi-Residence 4
-  Business 1
-  Business 2
-  Manufacturing
-  Public Use



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield

0 50 100
Feet

MAP DATE: June 07, 2011

ATTACHMENT A



Land Use

624 Washington Street

*City of Newton,
Massachusetts*

Legend

-  Single Family Residential
-  Multifamily Residential
-  Commercial
-  Industrial
-  Open Space
-  Private Educational
-  Nonprofit Organizations
-  Building Outlines
-  Surface Water
-  Property Boundaries



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield

0 50 100
Feet

MAP DATE: June 07, 2011

ATTACHMENT B





Setti D. Warren
Mayor

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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: May 9, 2011

To: John Lojek, Commissioner of Inspectional Services

From: Seth Zeren, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning

ET

Cc: Stephen J. Buchbinder, Attorney representing applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to allow a bank with drive-through ATM

Applicant: Sovereign Bank	
Site: 624 Washington Street	SBL: 23018 0002
Zoning: BU2	Lot Area: 20,400 square feet
Current use: Automobile sales and service	Proposed use: Bank with drive-through ATM

Background:

The property at 624 Washington Street consists of a 20,400 square foot lot improved with a one story structure. The lot and structure were created in their current configuration by Board Order #88871 in 1946 as recorded by a plan filed with the Registry of Deeds. The Board Order references an early form of the special permit procedure and was granted to permit an automobile related use on the site. The structure and lot have since been in continuous use as an automobile sales and service establishment. The applicant proposes to demolish the existing structure and construct a new, smaller building in its place for use as a full service bank branch including a drive-through ATM. Under the proposal, the use which had been permitted by the previous special permit would cease and be replaced, thus voiding B.O. #88871. A new special permit is required for the drive-through ATM.

The following review is based on plans and materials submitted to date as noted below.

- Architectural plans and site plan, signed and stamped by Peter S. Glick, Engineer, dated 4/25/11
 - C0.00 Cover Sheet including Locus Map and Zoning Calculations
 - C3.01 Layout and Materials Plan

- A1.01 First Floor Plan
- A2.01 Exterior Elevations
- A2.02 Exterior Elevations
- Plan of land showing property and existing structure, filed in the Registry of Deeds, dated 11/18/46
- Grant of a permit to construct and operate an “Auto Salesroom and Service,” dated 6/24/46
- Grant of a permit to allow outdoor vehicle display lot and floodlights, dated 12/19/55

ADMINISTRATIVE DETERMINATIONS:

1. The property is in the BU2 zone and must comply with the dimensional standards of Section 30-15, Table 1 and Table 3 (see chart below).

BU2 Zone	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	20,400 square feet	No change
Frontage	80 feet	255 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	10 feet* 10.25 feet** 0 feet	0 feet* 10 feet 5 feet	3.25 feet* 45.3 feet 17.4 feet
FAR	1.00	.37	.15
Building Height	24 feet	16 feet	20.5 feet
Maximum Stories	2	1	1

* Required front setbacks in the BU2 zone is the average of front setbacks of adjoining lots, per Section 30-15, Table 3. The required setback is 10 feet.

**Required side setbacks in the BU2 zone are one half building height, per Section 30-15 Table 3. The current side setback is 8 feet (one half of 16 foot structure). The required setback for the proposed structure would be 10.25 feet (one half of 20.5 feet).

2. The applicant’s site plan shows the proposed new structure 3.25 feet from the front property line. The existing structure has a nonconforming front setback of 0 feet. The Commissioner of Inspectional Services has determined that the proposed structure represents a demolition and reconstruction of the existing structure. As such, the proposed structure can be constructed no closer to the front property line than the existing structure. The proposed 3.25 foot setback is greater than the existing 0 foot setback and therefore no additional relief is required.
3. The applicant proposes to construct and operate a drive-through ATM. In order to create a “drive-in or open air business” the applicant must obtain a special permit from the Board of Aldermen per Section 30-11(d)(10).
4. The applicant’s plans show a 3,033 square feet bank with six employees on the largest shift, per Section 30-19(d)(10). A bank is required to provide one parking stall per 300 square feet of area plus one parking stall per three employees on the largest shift. The proposed use requires 13 parking stalls ($3,033/300 = 11$ stalls (rounding up) + $6 \text{ employees}/3 = 2$ stalls; $11 + 2 = 13$ total stalls). The applicant’s site plan depicts 13 parking stalls, satisfying this requirement.
5. The 13 parking stalls depicted on the site plan qualify as a parking facility with more than five stalls and must meet the requirements of Sections 30-19(h), (i), and (j).

6. Under Section 30-19(h)(2)c), one handicap parking stall is required for parking facilities with 13 parking stalls. The applicant's site plan shows two handicap stalls and meets this requirement.
7. Under Section 30-19(i)(1) a parking facility with more than five stalls must be screened from abutting streets and properties. The applicant's plans do not appear to show appropriate screening for the parking stalls. The applicant must meet the requirements of Section 30-19(i)(1) or obtain a special permit from the Board of Aldermen, per Section 30-19(m) to waive this requirement.
8. Under Section 30-19(j), a parking facility with more than five stalls must be lighted, surfaced, and maintained. The applicant's plans show a paved surface, but do not note compliance with other requirements. The applicant must meet all the requirements of Section 30-19(j) or obtain a special permit from the Board of Aldermen, per Section 30-19(m) to waive this requirement.
9. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Use</i>	<i>Action Required</i>
§30-11(d)(10)	Allow a drive-through ATM	S.P. per §30-24
<i>Ordinance</i>	<i>Parking</i>	<i>Action Required</i>
§30-19(i)(1), §30-19(m)	Provide required screening, or obtain a waiver	S.P. per §30-24
§30-19(j), §30-19(m)	Provide required lighting, paving, grading, and maintenance, or obtain a waiver	S.P. per §30-24

CITY OF NEWTON
IN BOARD OF ALDERMEN
June 14, 2011

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following Petition 149-11 to petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a drive-thru ATM and waivers from lighting/screening requirements for parking facilities and secondary signs at 624 WASHINGTON STREET, Ward 1, Newton Corner, on land known as SBL 23, 18, 2, containing approximately 20,400 sq. ft. of land in a district zoned BUSINESS 2. Ref: Sec 30-24, 30-23,30-11(d)(10), 30-19(j)(1)(a) and (m), 30-20(f)(2) and (l) of the City of Newton Rev Zoning Ord, 2007, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Ted Hess-Mahan:

1. The Board finds that the public convenience and welfare will be served by allowing the location of a drive-through ATM and banking facility for the following reasons:
 - a. This site, which is located on a vehicular-oriented commercial corridor is an appropriate location for a drive-through facility and is preferable to an alternative location within a pedestrian-oriented village center.
 - b. The petitioner's site is surrounded by mostly commercial uses and the Massachusetts Turnpike and does not directly abut residential properties; therefore it will not adversely affect the neighborhood.
 - c. The provision of drive-through banking will provide a service and convenience to City residents, particularly the disabled and the elderly.
 - d. The petitioner is proposing significant traffic improvements to the intersection of Crafts Street and Washington Street and as a result, there will be no nuisance or serious hazard to vehicles or pedestrians.
 - e. There will be adequate space for queuing of vehicles for the drive-through ATM window without compromising the flow of traffic on Washington Street.

- f. The pedestrian experience will be improved when the petitioner installs countdown signals for the crosswalks as well as benches, new sidewalks, handicap ramps and street trees.
 - g. There will be a net reduction in the amount of impervious surface on the site and improved storm water management through drainage improvements for the parking facility and enhanced landscaping.
 - h. Currently the site has four curb cuts and does not have a signalized entrance/exit. The reduction to two curb cuts and the addition of a signalized entrance/exit will improve the safety of motorists using the site.
 - i. The design of the building received approval from the Urban Design Commission and will be an improvement to the aesthetics of the Washington Street Corridor.
2. The addition of more than two secondary signs is appropriate due to the location of the building in relation to streets. The site has visibility from both travel directions on Washington Street as well as the Massachusetts Turnpike. Providing additional signage will best serve the public convenience.

PETITION NUMBER: #149-11

PETITIONER: Sovereign Bank, Thomas Keery II, Trustee of Washington Street Trust

LOCATION: 624 Washington St, Section 23, Block 18, Lot 2 containing approximately 20,400 sq. ft. of land

OWNER: Thomas Keery, Trustee

ADDRESS OF OWNER: 624 Washington Street, Newton, MA

TO BE USED FOR: Banking facility with drive-through ATM

CONSTRUCTION: Brick exterior with standing seam metal roof

EXPLANATORY NOTES: Section 30-19(i)(1) to waive the landscaping and lighting requirements for a parking lot of more than five spaces, Section 30-11(d)(10) to construct a drive-through ATM facility, Section 30-20 (f)(2) and (l) to allow more than one accessory sign per street frontage.

ZONING: Business 2

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - “Sovereign Bank, 624 Washington Street in Newtonville, MA,” dated May 9, 2011, signed and stamped by Peter S. Glick, Professional Engineer, including the following:
 - “C 2.01, Proposed Conditions Site Plan”
 - “C 3.01, Site Preparation Plan”
 - “C 4.01, Grading and Utilities Plan”
 - “C 5.01, Planting Plan”
 - “C 6.01, Details I”
 - “C 6.02, Details II”
 - “C 6.03, Details III”
 - “C 6.04, Details IV”
 - “Proposed Signage, 624 Washington St, Newtonville, MA, by Symmes Maini & McKee Associates, Revised 5/27/2011.
 - Architectural drawings as follows “Sovereign Bank, 624 Washington Street in Newtonville, MA,” dated May 9, 2011, all stamped and signed by Lawrence K. Asaro, Registered Architect, including the following:
 - “A-1.01, Exterior Elevations”
 - “A-1.02, Exterior Elevations”
2. Final approval of all directional signage is subject to review by the Urban Design Commission. Said signage shall be placed so as not to interfere with site lines exiting the site.
3. All utility connections shall be installed underground from the street.
4. The site shall remain free of litter, debris, and weeds and plantings shall be maintained in good condition and promptly replaced if they become diseased or are in poor health, for the duration of this Special Permit.
5. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:
 - a. recorded a certified copy of this Board Order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. filed a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. submitted final plans indicating materials used on the exterior of the building and type of lighting fixtures for final approval by the Director of Planning and Development.

- d. submitted a final photometric plan indicating that lighting is in accordance with the candle foot requirements for parking facilities of more than five stalls.
 - e. submitted a final landscape plan with additional screening on the south side of the parking facility adjacent to the Massachusetts Turnpike. This plan shall be reviewed and approved by the Director of Planning and Development.
 - f. submitted a construction management plan for review by the director of Planning and Development and the Engineering Department.
 - g. submitted all data requested in the Newton Traffic Engineering Memorandum dated June 1, 2011 for the Division's review and approval.
 - h. obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
6. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
- a. installed signage indicating "entrance only" at the driveway near the western property line and "no turn on red" at the exit of the site nearest the eastern property line.
 - b. completed all improvements proposed to the Washington Street and Crafts Street intersection in accordance with Department of Public Works and Engineering Department standards, subject to the approval of the Public Facilities Committee. Improvements include the signalization of the bank curb cut, relocating this curb cut to improve the alignment with Crafts Street, eliminating the median island on Crafts Street, extending the curb line in the northeast corner of Washington Street and Crafts Street, relocating the Crafts Street crosswalk and stop line, installing new signal equipment including mast arm, video detection, signal heads, and count-down pedestrian signal heads.
 - c. filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - d. submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in paper and digital format.
7. The Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building constructed subject to this special permit prior to installation of improvements referenced in Condition #5b and landscape screening provided the petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining on-site and off-site improvements to ensure their completion.

**CITY OF NEWTON
ENGINEERING DIVISION**

MEMORANDUM

To: Alderman Ted Hess-Mahan, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – 624 Washington Street ~ Sovereign Bank

Date: May 26, 2011

CC: Lou Taverna, PE City Engineer (via email)
Linda Finucane, Associate City Clerk (via email)
Eve Tapper, Chief Planner (via email)
Derek Valentine, Planner (via email)

In reference to the above site, I have the following comments for a plan entitled:

*Sovereign Bank
624 Washington Street
Newton, MA
Special Permit Package
Prepared by: Symmes Maini & McKee Associates
Dated: May 9, 2011*

Executive Summary:

An existing auto body shop will be demolished and a new full service bank with a drive thru is proposed. The existing site is essentially all impervious surfaces with uncontrolled storm-water runoff that is directed to Washington Street. The applicant is proposing to reduce the total impervious surfaces via new grassy areas, along with landscape enhancements, all runoff will be collected via a new on site storm-water drainage system. It is designed to improve both water quality and to comply with DPW and Department of Environmental Storm water guidelines. The design of the storm-water system will reduce the overall runoff from the site, and enhance water quality.

As a public benefit, the applicant has proposed enhancements to the Washington Street & Crafts Street, and the proposed egress driveway at this intersection. The installation of new traffic signals with pedestrian activated crossings, pedestrian ramps (a.k.a. HP ramps) curb-line modifications and new sidewalks along the property frontage will improve the intersection.

Construction Management:

1. A construction management plan is needed for this project. At a minimum it must address the following: staging site for construction equipment, construction material, construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of contractor.
2. Stabilized driveway entrances are needed during construction which will provide a tire wash and mud removal to ensure City streets are kept clean.

Drainage:

1. On site soils evaluation is needed to confirm design assumption of the drainage design and hydrology report. One test pit and percolation test is required within 20-feet of any proposed underground infiltration system; these tests must be witnessed by the Engineering Division. The soils logs shall be submitted with the drainage analysis; this may be performed prior to the issuance of a Building Permit for this Special Permit.
2. An impervious barrier is needed along the southern edge of the proposed infiltration system to prevent breakout at the slope as it is near the railroad embankment.
3. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division. The O&M plan should at a minimum indicate the frequency of sweeping the parking lot, inspection and cleaning of catch basins, drain manhole, water quality unit; etc...
4. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the Homeowners Association.

Environmental:

1. Has a 21E investigation & report been performed on the site, if so copies of the report should be submitted the Newton Board of Health and the Engineering Division.
2. Are there any existing underground oil or fuel tanks, are they to be removed, if they have been evidence should be submitted to the Newton Fire Department, and Newton Board of Health.

Sewer:

1. A detailed profile is needed which shows the existing water main, proposed water service(s), sewer main and proposed sewer service(s) with the slopes and inverts labeled to ensure that there are no conflicts between the sewer services and the water service. The minimum slope for a service is 2.0%, with a maximum of 10%. Pipe material shall be 6" diameter SDR 35 PVC pipe within 10' of the dwelling then 4" pipe per Massachusetts State Plumbing Code. In order to verify the slopes and inverts of the proposed service connection, two manholes of the existing sanitary sewer system need to be identified on the plan with rim & invert elevations. The crown of the service connection & the sewer man need to match. The sewer line from the proposed connection point to the sewer manhole on the northerly side of Washington Street shall be inspected via Closed Circuit Television Inspection (CCTV) prior to approval of a Utility Connection Permit; and witnessed by the Engineering Division, and a CD of the inspection shall be submitted for review by the City Engineer. If the inspection reveals that the existing pipe is sound and watertight, then the proposed service connection will be approved; however if this pipe is damaged or there is groundwater infiltration getting into the pipe, then it shall be replaced or re-lined per City Engineer's recommendation.
2. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the site and properly back filled. The Engineering Division must inspect this work; failure to having this work inspected my result in the delay of issuance of the Utility Connection Permit.
3. All utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) excavatable Type I-E, detail is available in the City of Newton Construction Standards Detail Book.
4. As Washington Street has just been repaved this year, the utility trenches and roadway will have to be milled 25' on both sides of the utility trenches from curb line to curb line; then paved with 1-1/2" of Type I-1 Bituminous Concrete.

5. The new sewer service and/or structures shall be pressure tested or video taped after final installation is complete. Method of final inspection shall be determined solely by the Construction Inspector from the City Engineering Division. The sewer service will NOT be accepted until one of the two methods stated above is completed. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***

Water:

1. If the Fire Department or ISD requires a Fire Sprinkler System, then a fire flow test is required for the proposed fire suppression system. The applicant must coordinate this test with both the Newton Fire Department and the Utilities Division; representatives of each department shall witness the testing, test results shall be submitted in a write report. Hydraulic calculation shall be submitted to the Newton Fire Department for approval.

General:

1. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. All tactile warning surfaces of pedestrian curb cuts shall be of ADA Solutions[®] with anchor bolts (or equal) in *Federal Yellow color*.
4. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans.*
5. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*

6. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
7. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
8. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.

MEMORANDUM

Date: June 1, 2011

To: Derek Valentine, Planning Department

From: Jim Danila, P.E., PTOE, Transportation Engineer

Subject: Comments on Traffic Impact and Access Study for proposed Sovereign Bank in Newtonville

CC: file

The following comments represent the Engineering Division's review of the Traffic Impact and Access Study for the proposed Sovereign Bank in Newtonville, prepared by Ron Müller & Associates, dated February 25, 2011. Please note any action items highlighted in bold text.

1. Automatic Traffic Recorder (ATR) counts were discussed in the text, but the count sheets were not included as part of the submission. **The proponent should submit electronic copies of both the ATR and TMC count sheets to jdanila@newtonma.gov.**
2. In determining the crash rate at the intersection of Washington Street at Crafts Street, a K-factor of 7.1% was used, even though ATR data showed a K-factor of 9.9% on Washington Street on a weekday. A low K-factor will artificially increase the total daily approach volume at an intersection, thus lowering the crash rate. In addition, crash data from only 2006-08 was used, even though the City provided crash data from 2005 to 2008 to Ron Müller & Associates. Three years of crash data is the minimum that MassDOT requires to calculate crash rates, though five years is preferred. **The proponent should re-submit their crash rate calculations to include crash data from 2005 to 2008 and use a K-factor of 9.9% unless justification of 7.1% can be made.**
3. The Engineering Division agrees that since the measured intersection sight distance does not exceed the desirable sight distance, a No Turn on Red restriction is justified for the driveway approach to the Washington Street at Crafts Street intersection. No Turn on Red restrictions require approval from the City's Traffic Council. **The proponent should coordinate with the Law Department to make the No Turn on Red restriction a condition of their Special Permit, and to have the sign posted prior to the issue of the Certificate of Occupancy.**
4. Though the ITE *Trip Generation Handbook* gives a 47% pass-by traffic credit for Land Use Code 912 (Drive-In Bank), there are two concerns about this methodology:
 - a. The limited number of studies performed by ITE to arrive at 47%; and
 - b. Land Use Code 912 appears to be for banks that have staffed drive-thru windows and may or may not have drive-up ATMs, whereas this proposal is for a drive-up ATM only.

The Engineering Division agrees that a percentage of the trips entering and exiting the site will be existing pass-by traffic, but is concerned that reducing the trips by 47% may be an overly aggressive approach. **The proponent is recommended to submit a supplemental capacity analysis that does not include the 47% pass-by credit.** The site is not expected to generate a significant amount of traffic compared to the background volumes, even without the pass-by credit, and a supplemental analysis should show that even using the most conservative traffic volume projections the proposal will have a very minimal effect on surrounding traffic.

5. The Engineering Division is in agreement with the proponent's calculations that any backups caused by the traffic signal on Washington Street at Crafts Street will not block access to the drive-thru lane entrance, nor will left-turns into the driveway will cause significant delay to through traffic on Washington Street.
6. The Engineering Division believes the modifications proposed to the traffic signal and road layout will have a significant, positive impact to traffic operations and vehicle and pedestrian safety at the intersection of Washington Street at Crafts Street. A 45' mast arm is longer than most, if not all, mast arms that currently exist in the city and will require a very large foundation. **The proponent should check available existing utility information in order to determine whether the foundation will fit as proposed without relocating any underground utilities.** The removal of the median island on the Crafts Street approach will also require the approval from the Board of Aldermen. **The proponent should coordinate with the City Clerk's Office to docket an item with the Public Facilities Committee to formally request the removal of the median island so the work can be completed prior to the issue of the Certificate of Occupancy.**
7. Due to the extensive amount of mitigation listed in the Traffic Impact and Access Study, the Engineering Division requests that **the proponent coordinate any language associated with proposed changes to the roadway and traffic signal included in the conditions of the Special Permit with the Engineering Division.**